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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,674	10/24/2003	Carol D. Snyder	FSHR075/00US	6339

22903 7590 10/28/2004

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RESTON, VA 20190-5061

EXAMINER

ACKUN, JACOB K

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,674

Applicant(s)

SNYDER, CAROL D.

Examiner

Jacob K. Ackun Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-23 are rejected under 35 U.S.C. 102(b and/or e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maese Jr., So, Melohn et al., Fobean et al., Levenson, Johansson, Bland, or Lippman. The claims appear to be so broadly drafted that they read on various devices as noted herein. Each and every one of the applied references discloses a device that may be termed an apparatus as recited in claim 1 or even a convertible play center as recited in claim 13, the latter because each is convertible from one configuration to the other. Each disclosed device comprises structures hinged together (or that may be folded with respect to one another) on which the claimed structures read.

For example the device disclosed in each reference has a panel or structure that meets the requirements of the claimed base member because it is either expressly disclosed as being parallel to some support surface or because it is inherently capable of being placed parallel to some support surface. Each base member is pivotally coupled or otherwise attached to another structure or panel on which the claimed support member or activity center reads, since this other structure or panel is either expressly disclosed as being positioned as recited in the claims or is inherently so positionable, and since they are all either expressly or inherently capable of “activity” or “support” of some sort. Finally each support member is attached to another structure on which the claimed extension member or slide member reads, since this latter structure is either expressly or inherently capable of being positioned as claimed. The claimed arc member reads on any appropriate member (one that is connected as claimed) that also forms

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an arc (note items 44 in Melohn et al, 28 in Fobean et al or 22 in Levenson et al., as examples only).

In the event the references are later deemed not to show either visual or audible outputs as claimed it would have been obvious to provide the same with all of the devices disclosed in order to make them more interesting for children to play with (the noted outputs are notorious in the relevant art to enhance amusement. The method claims recite obvious methods of the use of each of the devices.

3. Claims 1-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fox or Marques or Levin or Kim . All of these references disclose devices that are specifically constructed to support the weight of a user. Each device has structure on which the claimed planar base member, slide member and activity member read. Method claims 22-23 are considered to recite obvious methods of use of the Fox device which teaches an audible output in addition to base member 64 and/or 66, or other appropriate structure, slide member 24d and panel 26d or other appropriate structure.

4. Applicant's arguments filed on 07/15/04 have been fully considered but they are not persuasive. Any structure that can support the weight of some user even though not specifically taught as being for that purpose, meets the limitation "configured to substantially support the weight of a user". Accordingly the claims still read on the references applied in the first office action. Additionally new references have been applied to show that even if only prior art that expressly teaches support of a users weight were considered, the claims at bar are still too broad. Numerous prior art devices can be described as "an apparatus", and many comprise what can be

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termed a base, a slide member and a panel. Each product claim in the instant application recites “an apparatus” on line 1 thereof. Each applied reference teaches an apparatus.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

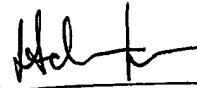
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob K. Ackun Jr. whose telephone number is (703)308-3867. The examiner can normally be reached on Monday through Friday 8.30AM-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (703)308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jacob K. Ackun Jr.
Primary Examiner
Art Unit 3723

J.A.